



# COMMONWEALTH of VIRGINIA

## CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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Voice/TDD

October 10, 2000

Mr. John A. Friedman, P.E.  
Code Analysis Division  
Department of Public Works and Environmental Services  
**Office** of Site Development Services  
12055 Government Center Parkway  
Fairfax, Virginia 22035-5503

Dear Mr. Friedman:

I am writing in response to your request of September 18, 2000 for a Department interpretation as to what types of structures or facilities are included under the term "appurtenant structures" as applied to the construction of railroads. Specifically, you asked for clarification on the following items as they relate to the possible location for a Virginia Railway Express station in Clifton, Virginia: a station platform, a ticket booth, a commuter parking lot and an access road for busses, kiss and ride, maintenance and emergency vehicles. -

Section 9VAC 10-20-150.B of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) provides for the exemption of public utilities, railroads, and public roads and their appurtenant structures in the Resource Protection Area (R.P.A) provided that they are designed and constructed in accordance with the Erosion and Sediment Control Law and the Stormwater Management Act. The exemption of these activities is further conditioned in that the road alignment and design must be optimized to prevent or otherwise minimize 1) encroachment in the RPA, and 2) adverse effects on water quality.

The Department's treatment of appurtenant railroad structures is similar to that of appurtenant public road structures. The Department has in the past considered public road projects outside of the road right-of-way, such as residency/headquarter offices, maintenance buildings, and parking lots as non-exempt since their location and design does not require that they be located in the RPA. Whereas, toll booths and weight stations would be exempt since they are constructed in the right-of-way to serve traffic. Therefore, in response to your question, the Department believes only that the railroad station platform would fall under the category of appurtenant structures. The ticket booth may or may not be exempt depending on its proposed design and location (e.g., a small self-serve ticket booth on the station platform would most likely be exempt whereas, a separate building next to the station platform which houses a ticket booth, waiting area, restaurant, etc. would most likely not be exempt). The commuter parking lot, and the

access road for busses, kiss and ride and maintenance and emergency vehicles, which would not need to be constructed in the train right-of-way, would not be exempt.

The Department will be glad to review any proposed site plans to assist the County in developing a design that minimizes encroachment into the RPA. As always, if you need clarification on the content of this letter, or if you desire the Department to provide an advisory site plan review of this proposed project, please do not hesitate to call me or Shawn Smith at 1-800-243-7229.

Sincerely,

Nadine Goigosky Barnes  
Principal Environmental Planner

c: Martha H. Little, Chief of Environmental Planning  
Shawn E. Smith, Implementation Review **Officer**

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